

B104 (FORM 104) (08/07)

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (For Court Use Only)
<b>PLAINTIFFS</b> Kathryn Ann Cavin 132 Deyoung Meadows Drive Greer, SC 29651		<b>DEFENDANTS</b> Velocity Investments, LLC c/o Korn Law Firm PO Box 12369 Columbia, SC 29211-2369
<b>ATTORNEYS</b> (Firm Name, Address, and Telephone No.) Robert H. Cooper The Cooper Law Firm 3523 Pelham Rd., Suite B Greenville, SC 29615 864-271-9911 Fax: 864-232-5236		<b>ATTORNEYS</b> (If Known)
<b>PARTY</b> (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		<b>PARTY</b> (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee
<b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUES INVOLVED) On or about 3/23/2012, the Court of Common Pleas for Greenville County, South Carolina entered a judgment for the Defendant herein against the Plaintiff herein, in Case Number 2012-CP-23-00020 in the amount of \$14,929.15 (see Exhibit "A" attached hereto). At the time said judgment was entered, the Plaintiff herein owned no real property anywhere and has not owned any real property since the judgment was obtained. No levy and execution on personal property of the Plaintiff herein had been commenced at the time of filing of the bankruptcy petition.		
<b>NATURE OF SUIT</b>		
(Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
<b>FRBP 7001(1) - Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other		
<b>FRBP 7001(6) - Dischargeability (continued)</b> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other		
<b>FRBP 7001(2) - Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property		
<b>FRBP 7001(7) - Injunctive Relief</b> <input type="checkbox"/> 71-Injunctive relief - imposition of stay <input type="checkbox"/> 72-Injunctive relief - other		
<b>FRBP 7001(3) - Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)		
<b>FRBP 7001(8) Subordination of Claim or Interest</b> <input type="checkbox"/> 81-Subordination of claim or interest		
<b>FRBP 7001(4) - Objection/Revocation of Discharge</b> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)		
<b>FRBP 7001(9) Declaratory Judgment</b> <input checked="" type="checkbox"/> 91-Declaratory judgment		
<b>FRBP 7001(5) - Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation		
<b>FRBP 7001(10) Determination of Removed Action</b> <input type="checkbox"/> 01-Determination of removed claim or cause		
<b>FRBP 7001(6) - Dischargeability</b> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny		
<b>Other</b> <input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§78aaaa et.seq. <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)		
(continued next column)		
<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$
Other Relief Sought		

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BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Kathryn Ann Cavins		BANKRUPTCY CASE NO. 12-02038
DISTRICT IN WHICH CASE IS PENDING District of South Carolina	DIVISION OFFICE Spartanburg	NAME OF JUDGE Helen Elizabeth Burris
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
<u>/s/ Robert H. Cooper</u> <u>Robert H. Cooper</u>		
DATE 4/10/12	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Robert H. Cooper	

#### INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Plaintiffs and Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

**Attorneys.** Give the names and addresses of the attorneys, if known.

**Party.** Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

**Demand.** Enter the dollar amount being demanded in the complaint.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA**

In Re: ) Chapter 7  
Kathryn Ann Cavins ) Case Number: 12-02038  
)  
Debtor. )  
\_\_\_\_\_) Adversary Case Number: \_\_\_\_\_  
)  
)  
Kathryn Ann Cavins )  
)  
Plaintiff, )  
)  
vs. ) **COMPLAINT FOR  
DECLARATORY RELIEF**  
Velocity Investments, LLC )  
)  
Defendant. )  
\_\_\_\_\_)

**NOW COMES THE PLAINTIFF**, by and through her undersigned attorney and respectfully represents:

- 1) Plaintiff is the Debtor in this case.
- 2) This adversary proceeding arises in and relates to the Chapter 7, Case Number 12-02038, which is now pending in this District. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. § 157 and 1334.
- 3) This adversary proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(K).
- 4) Plaintiff filed for relief under Chapter 7 of the Bankruptcy Code on March 29, 2012.
- 5) On or about 3/23/2012, the **Court of Common Pleas for Greenville County, South Carolina** entered a judgment for the Defendant herein against the Plaintiff herein, in **Case Number 2012-CP-23-00020** in the amount of **\$14,929.15** (see Exhibit "A" attached hereto). At the time said judgment was entered, the Plaintiff herein owned no real property anywhere and has not owned any real property since the judgment was obtained. No levy and execution on personal property of the Plaintiff herein had been commenced at the time of filing of the bankruptcy petition.
- 6) The judgment obtained by the Defendant herein did not create a lien, since the Plaintiff herein owned no real estate in the County in which the judgment was entered and recorded or anywhere else and there has been no levy and execution on Plaintiff's personal property.

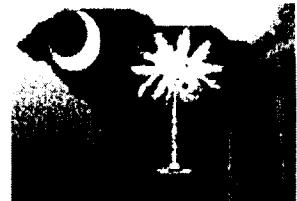
**WHEREFORE**, Plaintiff respectfully requests that this Court enter an Order declaring that the judgment does not create a lien on property presently owned or hereafter acquired by the debtor and that the judgment creditor's claim is an unsecured claim that is dischargeable in her Chapter 7 case. Further, plaintiff requests that this Court enter an order declaring that either party may file said Order in any jurisdiction after the debtor's discharge, the purpose of which is to vacate said judgment and declare it void and of no effect as to the debtor and the debtor's property presently owned or later acquired. Furthermore, Plaintiff prays for such other and further relief as is deemed just and proper.

Dated: 4/10/12  
In Greenville, South Carolina

*/S/ Robert H. Cooper* *RHC*  
Robert H. Cooper  
Attorney for Debtor  
3523 Pelham Road, Ste. B  
Greenville South Carolina 29615  
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# Greenville County 13th Circuit Public Index

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## Velocity Investments Llc vs. Kathryn A Cavins

**Case Number:** 2012CP2300020**Court Agency:** Greenville County  
Common Pleas**Filed Date:** 01/04/2012**Case Type:** Common Pleas**Case Sub Type:** Debt Collections 110**File Type:** Non-Jury**Status:** Judgment**Assigned Judge:****Disposition:** Default Uncontested**Disposition Date:** 03/23/2012**Disposition Judge:** Welmaker, G Edward**Original Source  
Doc:****Original Case #:****Judgment  
Number:** 2012CP2300020

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## Judgments

<b>For:</b> Velocity Investments Llc	<b>Against:</b> Cavins, Kathryn A	<b>Judg. Amount:</b> \$14,929.15	<b>Judgment Date:</b> 03/23/2012
<b>Description:</b> Judgment/Default	<b>Disposition:</b>	<b>Disp. Date:</b>	
<b>Notes:</b> None			
Claims Code	Detail Desc.	Detail Amount	Detail Date
None			

